IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7749 OF 2005

Suresh Waman Tupe .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Mr.R.Satyanarayanan for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 5th December 2005.

P.C.

. Heard Mr.Satyanarayanan for applicant and Mr.Pednekar, A.P.P. for State. Applicant was at the relevant time working as branch Manager, Kukudwad branch of Satara Dist.Central Coop.Bank Ltd. A C.R. was registered vide C.R.No.6 of 2005 with Mhaswad Police Station on 22nd January 2005 against applicant and others alleging offences under sections 408, 409, 420, 407, 468,

471, 477A, 411, 414, 201, 109, 212, 34IPC. Investigation is complete and charge sheet has been filed.

2. It is alleged that one Arun Bhise at the relevant time cashier of the said Bank had in collusion with the accused misappropriated a sum of Rs.32,46,145.40 . Upon complaint being lodged by the Managing Director, the said fraud has been enearthed. Details of the transaction when the present applicant was the branch manager have been set out in the statement as well as present application.

3. It is contended that the offences are triable by Magistrate. Bail application was preferred but the sessions judge has rejected it despite investigation being complete and charge sheet being filed. It is now clear that as far as the applicant is concerned, he was at the relevant time the Branch Manager. As far as he

is concerned, his role is that he conspired with main accused. It is alleged that the applicant is equally responsible for the said fraud. Although, all the interpolation in the bank records and registers as well as ledgers are done by the main accused, yet, the present applicant also is equally responsible.

4. In my view, considering that investigations are complete and charge sheet is filed and the role that is attributed to the present applicant is not of personally fabricating the records or making necessary corrections and interpolations, but merely of conspiring with the main accused, this is a fit case where he should be enlarged on bail, with stringent conditions. Applicant has no antecedents. He is permanent resident of Satara district. He is willing to abide by such conditions are are imposed. Accordingly, following order:-

i) Applicant shall be enlarged on bail in connection with C.R.No.6 of 2005 registered with Mhaswad Police Station in the sum of Rs.25,000/- with one or two sureties in the like amount.

ii) Applicant shall report to the Mhaswad Police station once a week on every Thursday between 5.00 p.m. and 7.00 p.m. till the conclusion of trial.

iii) Appplicant shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicant shall cooperate with the trial Judge in early disposal of the trial. Any attempt by the applicant to

delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)